

Upon motion of Senator Guinn, the Senate adjourned until to morrow morning at 9 o'clock.

SENATE CHAMBER, }
Nov. 3, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Blount made the following report :

Hon. Geo. W. Jones, President of the Senate:

The Committee of Conference, to whom was referred the disagreement of the two Houses upon an act to regulate the sale, alienation, removal or transfer of animals in this State, and to require butchers to report to the Police Court all animals slaughtered, and for other purposes, have duly considered the subject matter of difference, and have agreed to recommend that the Senate amendment be changed so as to read as follows : "Provided, that the provisions of the first section of this act shall not apply to any of the counties now composing the first Congressional District." And that the amendment, so changed, be adopted.

J. M. BLOUNT,

Chair'n on part of Senate.

R. H. BELLAMY,

Chair'n on part of House.

Upon motion of Senator Blount, the report was taken up and adopted.

Senator Foscoe introduced a bill amendatory of an act entitled "An act for the incorporation of the town of Liberty," approved June 7, 1837.

Read first time and referred to Committee on State Affairs.

Senator McDade, for the Committee on Internal Improvements, reported back and recommended the passage of a House bill to incorporate the Houston Savings Investment Company.

Senator Cooley introduced a bill to amend an act entitled an act to establish a code of criminal procedure for the State of Texas, approved August 26, 1856.

Read first time, and referred to Judiciary Committee

House bill to provide means for the defence of the frontier, on its third reading, taken up, read third time.

Upon motion of Senator Shelley, the bill was referred to a special committee of three.

The Chair announced the following as the committee:

Senators Shelley, Shannon and Record.

Senator Record, Chairman of Judiciary Committee, reported back and recommended the passage of a bill to establish a Criminal Court in the city of San Antonio, with the following amendments:

In lines 7 and 8, section 8, strike out the words "use the seal of his office," and insert "at the expense of the county of Bexar, procure a suitable seal for said Court, inscribed, 'Criminal Court of San Antonio,' and shall use the same."

Senator Record also reported back and recommended the passage of a bill to amend "An act to organize the Supreme Court of the State of Texas," approved May 12th, 1846.

Also reports adversely to a House bill entitled "An act to amend the 13th section of an act concerning proceedings in the District Court," approved March 16th, 1848.

Also reports and recommends the passage of a House bill to be entitled "An act to require the Judge of the 9th Judicial District to hold a special term of the District Court of Smith County."

Also reports:

Hon. G. W. Jones, President of Senate :

The Judiciary Committee have had under consideration a bill to be entitled "An act to amend the 11th section of an act to provide for the registry of deeds and other instruments in writing," approved May 12th, 1846, and have instructed me to report the same back to the Senate, and recommend its passage, with the following amendments:

In 10th and 11th lines of section 1, strike out the words "or before a Notary Public."

In same section, strike out all after the word "same," in 6th line from the bottom.

J. K. P. RECORD, Chairman.

Senate bill entitled "An act granting further time for the location and survey of land certificates granted railroad companies," on its second reading.

Bill read second time.

On motion of Senator Shelley, the bill and report was laid on the table.

A message was received from the House, announcing the passage of the following bills, which, upon motion of Senator Record, were read and referred as indicated:

House bill to incorporate the Austin, Iron Mountain and El Paso Railroad Company.

Read first time, and referred to Committee on Internal Improvements.

House bill to incorporate the town of Kaufman, in Kaufman county.

Read first time; rule suspended, read second time, and passed to a third reading; rule further suspended, read third time and passed.

House bill granting preemption privileges.

Read first time, and referred to Committee on Public Lands.

House bill to locate the county seat of Shelby county.

Read first time, and referred to Committee on Counties and County Boundaries.

The message also announced that the House had adopted and passed a substitute for a Senate bill making appropriations for the support of the State Government from 13th August to 31st December, 1866.

The following message was received from the House:

The House has refused to adopt the report of Committee of Conference on the butcher bill, and has appointed Messrs. Kyle, Kent, Bonner, Foster, Davis, Dunn and Stroud, as a new Committee of Conference, and ask the appointment by the Senate of a like committee.

And has appointed Messrs. Munson, Daniel and Giddings, as a Joint Committee on part of the House, to take into consideration the subject of a stay law for the State, and ask that the Senate appoint a like committee.

And has concurred in the Senate amendments to the following House bills:

Bill to incorporate the Victoria and Columbia Railroad Company.

Act for the assessment of taxes.

Bill to incorporate North Texas and Red River Coal, Salt and Oil Company.

Also to the several Senate amendments to bill establishing salaries of State officers, except the amendment to 1st section, 8th line.

And has appointed Messrs. Phelps, Giddings, Merriman, Bonner and Reeves, as a Committee of Conference, and ask the appointment by the Senate of a similar committee.

Upon motion of Senator Guinn, the House substitute for the Senate bill making appropriations for the support of the State government from the 13th August to 31st December, 1866, was

taken up and read first time; rule suspended, read second time, and the yeas and nays being called, the Senate refused to pass to a third reading by the following vote:

YEAS—Senators Braswell, Brown, Burney, Coppedge, Dalrymple, Guinn, Knox, McDade, Neyland, Parker, Shelley and Yarbrow—12

NAYS—Senators Blount, Boyd, Bumpass, Cooley, Foscue, Jowers, Nelson, Record, Reed, Selman, Shannon, Stell, Truitt and Voigt—14.

Senator Blount moved to reconsider the vote adopting the report of Committee of Conference on a bill to regulate the sale, &c., of animals in this State, and requiring butchers to report all animals slaughtered.

Upon motion of Senator Shannon, the motion to reconsider was postponed until Monday, November 5th, 11 o'clock.

Senator Stell moved to reconsider the vote by which the Senate refused to pass the bill making appropriations for the support of the State Government, to its third reading.

Carried.

Senator Stell moved to amend as follows:

Section 1st, 2d line, after the word "amounts," insert the words "in currency."

Amendment made.

Bill as amended passed to a third reading; rule suspended, bill read third time; and the yeas and nays being called, was passed by the following vote:

YEAS—Senators Braswell, Brown, Coppedge, Dalrymple, Guinn, Knox, Littleton, McDade, Neyland, Parker, Record, Saufley, Shelley, Stell and Yarbrow—15.

NAYS—Senators Blount, Bumpass, Cooley, Foscue, Jowers, Nelson, Reed, Selman, Shannon, Truitt and Voigt—11.

Senator Shelley introduced a bill to be entitled "An act to amend Article 507, Chapter IV, of an act entitled an act to establish a Code of Criminal Procedure," approved August 26th, 1856.

Read first time; rule suspended, bill read second time, and ordered to be engrossed; rule further suspended, bill read third time and passed.

Senator Guinn moved to reconsider the vote, referring the veto message of His Excellency the Governor, to a Special Committee.

Carried.

Upon motion of Senator Guinn, the veto message, and the

motion to raise a Select Committee, were laid upon the table for the present.

Senator Jowers moved that a Joint Committee consisting of two on the part of the Senate, be raised to confer with a like committee on part of the House, to take under consideration the subject of a stay law.

Motion prevailed.

The Chair announced Senators Jowers and Dalrymple the committee on part of the Senate.

Senator Neyland reported as follows :

COMMITTEE ROOM, }
October, 30, 1866. }

Hon. G. W. Jones, President of the Senate :

The Committee on Engrossed Bills have examined and find correctly engrossed:

A bill to be entitled "An act to authorize Perryman T. Black to construct a bridge across White Oak, in Titus county."

A bill to be entitled "An act to incorporate the Brownsville Levee Company."

Respectfully Submitted,

W. M. NEYLAND,

Chairman Committee on Engrossed Bills.

Senate bill to extend the time for the payment of all dues by settlers under the acts authorizing the sale of the public domain, and a Senate bill for the relief of pre-emption settlers, were taken up; a substitute for both bills, recommended by the Committee on Public Lands, was adopted.

Senator Shelley moved to amend by inserting after the figures "1861," "and since the first day of January, 1858."

Amendment made.

Bill as amended read second time and ordered to be engrossed, rule suspended, read third time and passed.

Senate bill to provide for the compensation of jurors, taken up, amendments recommended by the Judiciary Committee adopted.

Senator Stell moved to strike out "one dollar and a half," and insert "two dollars."

Amendment made.

Senator Stell moved to amend as follows:

"And shall be exempt from ferriage and tolls in crossing ferries and bridges, going to and returning from the court."

Amendment made.

Senator McDade moved to amend by adding, "also to be furnished his railroad and stage fare."

Senator Shelley moved to amend as follows :

"Nor shall any juror, while in attendance upon court, as such juror, be held liable to pay any hotel bill or other charge for board and lodging."

Upon motion of Senator Reed, both amendments were laid on the table.

Bill as amended, read second time and ordered to be engrossed.

Senate bill to provide for the organization of joint stock companies, for works of internal improvement, and for other purposes, was taken up, and the report of the Committee on Commerce and Manufactures, (recommending the reference of the bill to the Judiciary Committee) was adopted.

Upon motion of Senator McDade, rule was suspended and a bill to incorporate the Houston Savings and Investment Company, was taken up, read second time and passed to a third reading; rule further suspended read third time, and passed by the following two-thirds vote:

YEAS—Senators, Braswell, Brown, Burney, Coppedge Dalrymple, Foscoe, Guinn, Jowers, Knox, McDade, Nelson, Neyland, Parker, Record, Reed, Selman, Shannon, Shelley, Stell, Truitt, Voigt and Yarbrow—22.

NAYS—None.

Senate bill to amend the 2nd and 3rd sections of an act approved January 6th, 1841, concerning divorce and alimony, was taken up.

Upon motion of Senator Foscoe, the report of the Judiciary Committee, recommending certain amendments, was laid on the table.

Senator Foscoe offered a substitute for the bill.

Substitute adopted.

Senator Neyland moved to strike out the proviso relating to drunkenness.

Senator Guinn moved to table the amendment.

Carried.

Senator Stell moved to amend as follows:

"Confirmed lunacy when the party has been a lunatic for more than five years."

Lost.

Senator Neyland moved to amend as follows:

"Provided further, that if the fact of habitual drunkenness is not known by the party plaintiff, before marriage, then it is sufficient cause for divorce, whether contracted before or after marriage."

Lost.

Senator Shelley moved to strike out "two," and insert "three years."

Lost.

Bill read second time and ordered to be engrossed.

Senator Bumpass moved to amend as follows:

"Amend by inserting after the word 'hundred,' in 16th line from the top, 'shall have been taken in adultery;' pending which, Senator Shelley moved to postpone the further consideration of the bill indefinitely; upon which the yeas and nays, being called the motion prevailed by the following vote:

YEAS—Senators Boyd, Brown, Burney, Cooley, Guinn, Parker, Reed, Selman, Shelley, Stell, Truitt, Voigt and Yarbro—13.

NAYS—Senators Blount, Bumpass, Coppedge, Foscue, Jowers, Knox, Littleton, Nelson, Neyland, Saufley and Shannon—11.

Senator Voigt made the following report:

Hon. G. W. Jones, President of the Senate:

The Committee on Claims and Accounts, to whom was referred the House bill, entitled "An act for the relief of Alfred S. Thurmond," providing for the payment of twenty-five hundred and thirty dollars, claimed by the said Thurmond, as a balance due him for services rendered the Republic of Texas, as interpreter to Col. W. S. Fisher's Command, known as the "Mier Expedition," have had the subject under consideration, and have elicited from accompanying papers, and other testimony, the following facts, to-wit:

1st. That said Alfred S. Thurmond was enrolled, and served in said Col. Fisher's command, as set forth in the petition of the applicant; that he was honorably discharged and subsequently paid in full for services rendered.

2d. That the claim for subsequent services as interpreter, can not be entertained by your committee for want of evidence of the appointment of said Thurmond as interpreter by the authorities of the Government of the Republic of Texas.

3d. That this claim was presented to the Legislature of this State in the year 1857. The Committee on Claims and Accounts of that body (as appears from the Journal) recommended an additional pay to said Thurmond the sum of nine hundred and forty-one dollars and forty-three cents, which recommendation was then rejected by a vote of 47 nays against 27 yeas.

In view of the foregoing facts, the majority of the Committee have instructed me to return the bill back and recommend that it do not pass.

F. VOIGT,

One of the Committee.

A message was received from the House, announcing the

passage by that body of a bill granting lands to railroads, notwithstanding the objections of His Excellency the Governor.

The message also announced the passage of a bill to be entitled "An act for the relief of the heirs of Reddick P. Jackson."

A bill to be entitled "An act for the relief of the heirs of James T. White, deceased," with an amendment.

House bill entitled "An act of limitation of suits against all persons for certain acts done, and payments made during the late war."

Senator Foscue introduced a bill to incorporate the Houston Dramatic Association.

Read first time and referred to Committee on State Affairs.

Upon motion of Senator Knox, rule was suspended, and a bill to establish a Criminal Court in the city of San Antonio, was taken up, the amendments recommended by the Judiciary Committee adopted.

Bill read second time, and ordered to be engrossed; rule further suspended, read third time and passed.

Upon motion of Senator Shelley, rule was suspended, and a bill for the relief of Thomas G. Banks, and his sureties, was taken up.

Senator Jowers moved to amend as follows:

"*Provided*, in no case shall the State become liable for interest to said heirs."

Senator Guinn offered the following as a substitute for the amendment:

"Strike out all that portion of the bill relating to interest."

Pending the substitute, upon motion of Senator Selman, bill and amendments were recommitted to the Judiciary Committee.

Senator Neyland made the following report.

COMMITTEE ROOM,
November 3, 1866. }

Hon. G. W. Jones, President of the Senate :

The Committee on Engrossed Bills have examined and find correctly engrossed :

A bill to be entitled an act to amend Article 507 Chapter IV of an act entitled an act to adopt and establish a Code of Criminal Procedure, approved August 26th, 1856.

Respectfully Submitted,

W. M. NEYLAND,

Chairman Committee on Engrossed Bills.

Upon motion of Senator Guinn, the Senate adjourned until Monday morning 9 o'clock.